

03-25-04



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MAR 2 4 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8/ald
H-13-04
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In re Application of: Jae Sung Lee

Group Art Unit: 2632

MAR 2 9 2004

Serial No.: 09/980,479

Examiner: Toan N. Pham

Technology Center 2600

Confirmation No.: 3488

Filed: April 19, 2002

Atty. Docket No.: 13201.0024.NPUS00
(WONJ:024)

For: OPTICAL CABLE CLOSURE
MAINTENANCE SYSTEM

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL MAILING LABEL

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NUMBER

DATE OF DEPOSIT

FL 831849607 US
3/24/04
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cynthia A. Levin
Signature

On March 19, 2004 a Notice of Abandonment was mailed in the application identified above (Ex. A). Applicant hereby petitions for the withdrawal of the holding of abandonment in view of the following circumstances:

A non-final Office Action was mailed on August 8, 2003 in which claims 1-3 were rejected under 35 U.S.C. § 112, second paragraph. In addition, the examiner noted that the declaration was missing (Ex. B).

Applicant's undersigned attorney responded to the action on November 10, 2003 (which was within the shortened statutory period of three months because November 8 was a Saturday). Applicant's response (Ex. C) fully addressed the grounds for rejection raised in the August 8



Serial No.: 09/980,479
Confirmation No.: 3488
Applicant: Jae Sung Lee
Atty. Ref.: 13201.0024.NPUS00

Office Action, including an amendment to overcome the § 112 rejection and a new oath signed by the applicant. The response was filed by Express Mail—Post Office to Addressee under 37 C.F.R. § 1.10; the Certificate of Express Mailing (Ex. C, p. 1) and the Express Mail receipt (Ex. D) both reflect the filing of the response on November 10.

Applicant's response also included a return postcard (Ex. E) that was stamped by OIPE to acknowledge that the Office had received the response and was treating it as having been filed on November 10. Applicant's attorney received the postcard receipt on November 19.

In view of the above facts, Applicant respectfully submits that the notice of abandonment was issued in error and that the application should not have been held abandoned. Accordingly, Applicant requests the withdrawal of the holding of abandonment and advancement of the prosecution to issuance.

In the alternative, if the Office determines that the application was properly held abandoned, Applicant hereby petitions to revive the application under the provisions of 37 C.F.R. § 1.137(b) because the abandonment was unintentional. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional. 37 C.F.R. § 1.137(b)(3). Applicant respectfully requests the revival of the above referenced patent application and the acceptance of the attached response (Ex. C).

The undersigned attorney authorizes the Commissioner to charge the petition fee of \$1330.00 under 37 C.F.R. § 1.17(m) to Deposit Account No. 01-2508, referencing Order No. 13201.0024.NPUS00, *if and only if the Office determines that the application was properly held abandoned.*

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application. The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. § 1.16 or 1.17 that may



Serial No.: 09/980,479
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Applicant: Jae Sung Lee
Atty. Ref.: 13201.0024.NPUS00

be required, or credit any overpayment, to Deposit Account No. 01-2508, referencing Order No. 13201.0024.NPUS00.

The Examiner is invited to contact the undersigned attorney by telephone at (713) 787-1631 to resolve any issues or questions presented by this paper.

Respectfully submitted,

A handwritten signature in cursive script, reading "Ira D. Finkelstein".

Ira D. Finkelstein

Patent Attorney

Reg. No. 44,680

Tel. (713) 787-1631

Date: March 24, 2004



MAR 24 2004

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UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/980,479 | 04/19/2002 | Jae-Sung Lee | 13201.0024.NPUS00 | 3488 |

7590

03/19/2004

Jeffrey E Kubiak
Howrey Simon Arnold & White
750 Bering Drive
Houston, TX 77057

REC'D HOWREY SIMON ARNOLD & WHITE

MAR 23 2004

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EXAMINER

PHAM, TOAN NGOC

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 03/19/2004

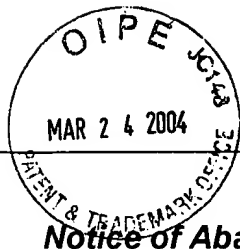
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Notice of Abandonment

Application No.

09/980,479

Examiner

Toan N Pham

Applicant(s)

LEE, JAE-SUNG

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 August 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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TOAN N. PHAM
PRIMARY EXAMINER

Tran
3/17/04

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/980,479 | 04/19/2002 | Jae-Sung Lee | 13201.0024.NPUS00 | 3488 |

7590 08/08/2003

Jeffrey E Kubiak
Howrey Simon Arnold & White
750 Bering Drive
Houston, TX 77057

REC'D HOWREY SIMON ARNOLD & WHITE

AUG 12 2003

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EXAMINER

PHAM, TOAN NGOC

| ART UNIT | PAPER NUMBER |
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2632

DATE MAILED: 08/08/2003



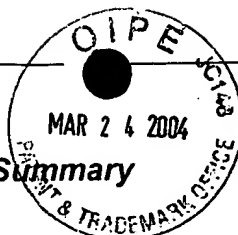
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Office Action Summary



Application No.

09/980,479

Applicant(s)

LEE, JAE-SUNG

Examiner

Toan N Pham

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

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MAR 29 2004

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Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

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DETAILED ACTION

Oath/Declaration

The Oath and Declaration is missing. A new Oath and Declaration is required.

Specification

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "wherein the inundation" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Janus et al. (US 6,385,381), Carter et al. (US 5,973,770), Maron (US 6,016,702), and Tubel et al. (US 6,281,489) are cited to show a variety of optical cable monitoring systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N Pham whose telephone number is (703)306-3038. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (703) 308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9314 for regular communications and (703)872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Toan N Pham
Primary Examiner
Art Unit 2632



August 6, 2003

| | | | |
|--|---------------------------------------|---|-------------|
|  Notice of References Cited | Application/Control No. 09/980,479 | Applicant(s)/Patent Under Reexamination LEE, JAE-SUNG | |
| | Examiner Toan N Pham | Art Unit 2632 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|---------------|----------------|
| | A | US-6,385,381 | 05-2002 | Janus et al. | 385/135 |
| | B | US-5,973,770 | 10-1999 | Carter et al. | 356/4.09 |
| | C | US-6,016,702 | 01-2000 | Maron | 73/705 |
| | D | US-6,281,489 | 08-2001 | Tubel et al. | 250/227.14 |
| | E | US- | | | |
| | F | US- | | | |
| | G | US- | | | |
| | H | US- | | | |
| | I | US- | | | |
| | J | US- | | | |
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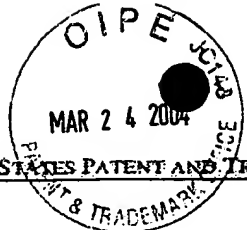
FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification |
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NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|---|
| | U | |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|-------------------|
| 09/980,479 | Jae-Sung Lee | 13201.0024.NPUS00 |

INTERNATIONAL APPLICATION NO.

PCT/KR99/00545

LA. FILING DATE

PRIORITY DATE

09/14/1999

05/31/1999

Jeffrey E Kubiak
 Howrey Simon Arnold & White
 750 Bering Drive
 Houston, TX 77057

CONFIRMATION NO. 3488

371 ACCEPTANCE LETTER



OC000000008166159

Date Mailed: 05/30/2002

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

04/19/2002

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and
 (c)(4) REQUIREMENTS

04/19/2002

DATE OF RECEIPT OF ALL 35 U.S.C.
 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** *The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363).* Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

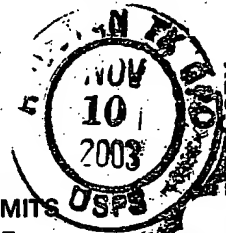
FORM PCT/DO/EO/903 (371 Acceptance Notice)



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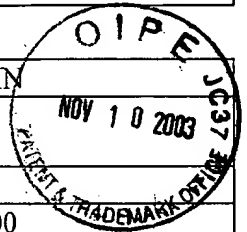
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| <input type="checkbox"/> Continuation | <input type="checkbox"/> CIP | <input type="checkbox"/> Divisional | <input type="checkbox"/> CPA <input type="checkbox"/> RCE |
| <input type="checkbox"/> Specification: Pages | | <input type="checkbox"/> Drawings: Sheets | |
| <input checked="" type="checkbox"/> Response to Office Action Dated: 8/8/2003 | | <input type="checkbox"/> Final Rejection | |
| <input checked="" type="checkbox"/> Other: Abstract (1pg); Copy of Notice of Acceptance (2pg.); Copy of Declaration and Power of Attorney (3pg.); postcard receipt | | | |
| <input type="checkbox"/> Assignment Enclosed | <input checked="" type="checkbox"/> Cert. of Express Mailing | <input checked="" type="checkbox"/> Exp. Mail: EL 831849726 US | |

IDENTIFICATION OF APPLICATION

| | | |
|---|------------------------|----------------------------------|
| Serial No.: 09/980,479 | Filing Date: 4/19/2002 | Responsible Atty: FIM |
| Title: Optical Cable Closure Maintenance System | | |
| Applicant: Jae Sung LEE | | Entered By: b.smith |
| Client: WonJon Intellectual Property | | Firm File No.: 13201.0024.NPUS00 |
| To PTO VIA US Mail on | Date: 11/10/2003 | Due Date: 11/8/2003 |



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